

11 May 1813.



(Ireland.)

A

B I L L

For the Relief of INSOLVENT DEBTORS,
in Ireland.

Note.—The Figures in the Margin denote the number of the Folios
in the written Copy.



WHEREAS notwithstanding the Acts heretofore passed for the
Relief of Insolvent Debtors, and the discharge of many Pri-
soners for Small Debts by Charitable Donations, several Persons
generally remain confined for Debt in different Prisons in
Ireland; and it is therefore expedient to make a general Provision for the
Relief of Insolvent Debtors in *Ireland*, under certain Restrictions;

Proviso.

Be it therefore Enacted; and be it Enacted by The KING's
Most Excellent MAJESTY, by and with the Advice and Consent of
the Lords Spiritual and Temporal, and Commons, in this present
Parliament assembled, and by the Authority of the same, THAT from
and after the

an Act
passed in *Ireland*, in the Thirty-seventh Year of His Majesty's Reign, in-
titled, "An Act for the Relief and Maintenance of Insolvent Debtors
"detained in Prison," and also another Act, passed in the Fiftieth Year of
His Majesty's Reign, to extend and amend the Provisions of the said
recited Act, shall stand and be Repealed; save so far as relates to any
person who has been actually discharged from custody under the same,
before the passing of this Act; and save that any person who has before
the passing of this Act, presented a Petition for his or her Discharge under
the Provisions of the said Acts or of either of them, may, if he or she shall
think proper, proceed under the same, and have the full Benefit thereof
respectively as if this Act had not passed.

Former In-
solvent Act
37 G. III. (1)
c. 45.
50 G. III.
c. 48.
Repealed.

And be it further Enacted, That from and after the
it shall be lawful for every person who shall be a Prisoner in any
Prison in *Ireland*, upon any Process whatsoever issuing from any Court
whosoever, for or by reason of any Debt, Damages, Costs, sum or sums
of

Prisoner is
entitled in any
Prison in
Ireland for
Months,
to apply to be
discharged

of Money, or Contempt for non-payment of Money, and who shall have been in custody upon some Process for some or one of the said Debts or Demands, during the space of

Calendar Months or more, to apply by Petition in a summary way to the Court from whence such Process issued, for his or her discharge from such confinement, according to the Provisions of this Act; and in such Petition such Prisoner shall state the Prison wherein such Prisoner shall be then confined, the time when such Prisoner was first charged in custody or received in Prison upon some Process on which he or she shall then be detained in Prison, together with the name or names of the person or persons at whose Suit or Prosecution such Prisoner shall, at the time of presenting such Petition, be detained in Prison, and the amount of each and every Debt or sum of Money for which such Prisoner shall be so detained, and shall pray to be discharged from custody upon all such Process, and to have future liberty of his or her person against the demands for which such Prisoner shall be then in custody, and against the demands of all other persons who shall be named or specified as Creditors, or as claiming to be Creditors of such Prisoner, in the Schedule annexed to such Petition; and such Prisoner shall by such Petition offer to convey assign and deliver, to such person or persons as the Court shall direct, for the payment of such Debts and sums of Money respectively from which such Prisoner shall seek to be discharged, all such Property as such Prisoner shall possess or have in his or her power, as hereinafter expressed; the Wearing Apparel and Bedding for such Prisoner and his or her Family, and Working Tools and necessary Implements for his or her Occupation or Calling, and other small Necessaries, not exceeding in the whole the value of

only excepted; and shall also offer to engage to pay so much of all such Debts and Demands respectively as shall be justly due from such Prisoner to such Creditors, as shall not be discharged by means of the Property so to be conveyed assigned and delivered, in case such Prisoner shall at any time thereafter become possessed of sufficient means for such purpose: To which Petition shall be annexed a Schedule, containing a full and true description of all and every the person and persons to whom such Prisoner shall then be indebted, or who to his or her knowledge or belief shall claim to be a Creditor or Creditors of such Prisoner, with the nature and amount of such Debts and Claims respectively, and of every Security for the same respectively, distinguishing such Debts and Claims as shall be admitted, from such as shall be disputed by such Prisoner; and also a full, just, true and perfect account and discovery of all the Estates and Effects Real and Personal, in possession, reversion, remainder or expectancy, of every nature and kind whatsoever, which such Prisoner, or any other person or persons in trust for such Prisoner, or for his or her use benefit or advantage, in any manner whatsoever shall have been or shall be seized or possessed of, or interested in or entitled unto, or which such Prisoner, or any person or persons in trust for him or her, or for his or her benefit, shall have had or shall have any power to dispose of or charge for the benefit or advantage of such Prisoner, at the time when such Prisoner was first committed to Prison or charged in custody for any of the Debts or sums of Money for which such Prisoner shall then be detained in custody, or at any time subsequent to that time, before and on the day on which

Schedule of
Debts and
Effects, &c.
to be annexed
to such Petition.

which the truth of such Schedule shall be sworn to by such Prisoner as herein directed; together with a full, just, true and perfect Account of all Debts at such time owing to such Prisoner, or to any person or persons in trust for him or her, or for his or her benefit or advantage, either solely or jointly with any other person or persons, and the names and places of abode of the several persons from whom such Debt shall be or shall have been due or owing, and of the Witnesses who can prove such Debts as shall remain due (if any such there shall be) so far as such Prisoner can set forth the same, and in what manner any such Estates or Effects, Real or Personal, of such Prisoner shall have been applied or disposed of since the time when such Prisoner shall have been so first committed to Prison or charged in custody as aforesaid, and which of such Estates or Effects or any of them shall have been in any manner conveyed, assigned, disposed of, charged or incumbered in any manner whatsoever, and when and in what manner, and for what consideration, and to whom, and for whose benefit, and which of such Estates and Effects shall at the time of swearing to such Schedule be applicable to the discharge of the Demands of his or her Creditors; and such Schedule shall also fully and truly describe the Wearing Apparel and Bedding of such Prisoner and his or her Family, and the Working Tools and Implements and other small Necessaries intended to be excepted by such Prisoner from the Assignment proposed by the said Petition to be made by such Prisoner as aforesaid, together with the values of such excepted articles respectively; and such Prisoner shall make Oath of the truth of such Petition and Schedule to the following effect or with such variations, according to special circumstances, as shall be consistent with the Provisions of this Act.

“ I *A. B.* upon my corporal Oath, in the presence of Almighty God, Form of Oath of the Truth of the Prisoner and Schedule.
 “ do solemnly swear and declare, That on the _____
 “ _____ day of _____ I was really and truly
 “ a Prisoner in the actual custody of _____
 “ in the Prison or Gaol of _____ at the
 “ Suit of _____ for the sum of _____
 “ [as the case may be] without any fraud or collusion whatever; and
 “ that I have ever since been and now am a Prisoner in
 “ _____ is the actual custody of the Keeper or Gaoler
 “ of _____ [as the case may be] or within the
 “ Liberties thereof, at the Suit of _____ and of
 “ _____ [as the case may be] without any fraud or collusion
 “ whatever; and that I have not had at any time since I was com-
 “ mitted to Prison, or charged in custody by the said
 “ _____ as aforesaid, any means whatsoever of discharging the
 “ Demands of the said _____ and of the other persons
 “ named or described as my Creditors, or as claiming to be my
 “ Creditors, in the Schedule herunto annexed and subscribed by
 “ me, except the Estates and Effects mentioned in the said
 “ Schedule; and that I have not now any means of discharging
 “ such Demands, except so much of the said Estates and Effects
 “ as still remain applicable for that purpose, as expressed in the
 “ said Schedule; and that all the Estates and Effects which I have
 “ disposed

"disposed of since I was so first committed to Prison or charged
"in custody, have been necessarily expended by me for the main-
"tenance of myself and Family, and for Law Charges and other
"unavoidable expenses during my Confinement, and in payment
"of just Debts due and owing by me before or since the said
"day of _____ when I was
"first committed to Prison or detained in custody at the Suit of
"the said _____ as aforesaid; and that the
"said Schedule doth contain, to the best of my knowledge and
"belief, a full, just, true and perfect Account and Discovery of all
"the Estates and Effects, Real and Personal, in possession, rever-
"sion, remainder or expectancy, and of every nature and kind
"soever, which I now am, or which any person or persons in trust
"for me, or for my use benefit or advantage, now is or are seized,
"possessed of, interested in or entitled unto, or which was or were
"in my possession custody or power, or in the possession custody or
"power of any such person as aforesaid, or which I or any person
"or persons had any power of disposing of or charging for my bene-
"fit or advantage at the time I was so first committed to Prison
"or charged in custody by the said _____
"as aforesaid, or at any time since that time, and of all Debts
"owing to me or to any person or persons in trust for me or
"for my benefit, either solely or jointly with any other person
"or persons, and of all Securities or Contracts whereby any Money
"now is or will or may hereafter become payable, or any benefit
"or advantage may accrue or might have accrued to me or
"my use, or to any person or persons in trust for me or for
"my benefit, at the time I was so first committed to Prison or
"charged in custody as aforesaid, and the names and places
"of abode of the several persons from whom such Debts are
"or were due and owing, and of the Witnesses who can prove
"such Debts or Contracts as remain due or unperformed, so far
"as I am able to set forth the same; and that neither I nor
"any person or persons in trust for me or for my use and
"benefit, to my knowledge or belief, have or has any Land,
"Money, Stock or other Estate or Effects whatsoever, either Real
"or Personal, in possession, reversion, remainder or expectancy,
"or of any nature or kind whatsoever, or any power of disposing
"of or of charging for my benefit or advantage any Property
"whatsoever, other than such as are in the said Schedule con-
"tained or expressed, except the Wearing Apparel and Bedding
"for myself and Family, Working Tools and the necessary
"Implements for my Occupation and Calling, and other small
"Necessaries, not exceeding in the whole the value of _____
"mentioned and described in the said Schedule, and
"intended to be excepted from the Assignment intended to be
"made by me; and that I have not, nor hath or have any per-
"son or persons for me, directly or indirectly, sold, lessened, or
"otherwise conveyed or disposed of, in trust or otherwise, ex-
"cept as heretofore expressed, or in any manner concealed
"any

" any part of my Lands, Money, Goods, Chattels, Stocks, Debts,
 " Securities, Contracts, Estates or Effects Real or Personal, whereby
 " to secure the same for my own benefit, or whereby I may receive
 " or expect to receive any profit or advantage therefrom, or with
 " any intent to defraud or deceive any Creditor or Creditors to whom
 " I am or was indebted, in anywise howsoever.

" So help me GOD."

And the said Oath shall and may be administered to such Prisoner by such Court, or by any person duly authorized to take Affidavits for such Court, or by any Justice of the Peace within whose jurisdiction such Prisoner shall be detained in custody: And the said Petition and Schedule and Oath shall be respectively subscribed by such Prisoner, in the presence of the person by whom such Oath shall be administered, who shall certify the subscription thereof respectively by such Prisoner; and such Petition Schedule and Oath shall be filed in the said Court, which Court shall thereupon name a day for hearing the matter of such Petition; and a Copy of such Petition Schedule and Oath shall be served on all and every person or persons who shall be specified in such Petition as the person or persons at whose Suit such Prisoner shall then be detained in custody, or on his her or their Attorney or Solicitor, in the Action or Actions, Suit or Suits, in respect of which such Prisoner shall be so detained, together with a copy of the Order of the Court upon such Petition, days at the least before
 the day appointed for hearing the matter of such Petition, by delivering such copies respectively to such person or persons respectively, or leaving the same with the Wife Clerk or Servant of such person or persons respectively, at his her or their usual place of abode; and Notices in writing that such Petition had been presented, and such Schedule and Oath filed in the said Court, together with a Copy of the Order on such Petition, shall be served in like manner on all and every the person or persons named or described in the said Schedule as Creditors, or as claiming to be Creditors of the said Prisoner, and against whose Demands such Prisoner shall seek to be discharged, or on the Attorney or Solicitor of any Creditor, in any Action or Suit brought against such Prisoner for the Demand of such Creditor; and such service shall, on the hearing of the matter of the said Petition, be proved on Oath to the satisfaction of the Court.

Provided always, and be it Enacted, That if any Person shall be confined under the Process of or more Courts, then if any one of the said Courts shall be one of His Majesty's superior Courts in *Dublin*, such Petition shall be presented to such Court; and if all such Courts, or any or more of them shall be such superior Courts, then and in such case such Petition shall be presented to such of the said superior Courts under whose Process such person shall have been first detained in custody; and if all the said Courts shall be inferior Courts, then if such Prisoner shall be so detained in the County of *Dublin*, or County of the City of *Dublin*, such Petition shall be presented to the Court of Common Pleas, and it in any other part of *Ireland*, then to the Judge or Judges of Assize for the County, County of a City or County of a Town in which such Prisoner shall be so detained.

Court or a Justice, to administer the Oath.

Copy of Petition, Schedule and Oath, to be delivered to every Creditor.

Where Prisoner is confined in several Courts, the Petition shall be presented to the superior Court, &c.

But if Credentials are necessary, Notice intended in the *Dulden Gazette*, and in most Newspapers, as the Court shall direct, will be sufficient.

Provided always, and be it further Enacted, That in case it shall be made appear to the satisfaction of the Court to which any such Prisoner shall apply to be discharged according to the direction of this Act, that the Creditors of such Prisoner, exclusive of those at whose Suit such Prisoner may be then detained in custody, are so numerous, or their residence so remote, that the expense of serving such Creditors with Notice of the application of such Prisoner for his or her discharge, would be so considerable that such Prisoner might be unable to procure such service to be duly made in manner hereinbefore directed, or that for any other reason it will be fit in the judgment of the said Court to dispense with such service with respect to all or any of such Creditors, it shall be lawful for the said Court to order, that Notice of the Petition of such Prisoner for his or her discharge may, instead of being served on such Creditors respectively, be inserted in the *Dublin Gazette*, and in such or more Newspapers as the said Court shall direct, and in such form of words as the said Court shall approve, days at the least before the day appointed for hearing the matter of the said Petition, and that such Notice shall be deemed sufficient Notice to the Creditors named or described therein; or to substitute some other mode of Notice, which in the judgment of the said Court may appear reasonable; and upon such Notice so given to the satisfaction of the said Court, it shall be lawful for the said Court to proceed on such Petition with respect to all such Creditors as shall be named or described in such Notice, in the same manner as the said Court might have done if such Creditors respectively had been actually served with Notice as hereinbefore directed: Provided always, That where any Prisoner shall be charged in execution or under Attachment for not paying Money, or under Mesne Process, out of any of His Majesty's superior Courts in *Dublin*, in any County Gaol or other Gaol or Prison, except within the County of *Dublin*, or County of the City of *Dublin*, then upon Petition being made by such Prisoner as aforesaid, and on an Affidavit, of the purport hereinbefore set forth, being made and left with such Petition, such Court on being satisfied with the truth of such Affidavit, is hereby authorized and required, on the application of such Prisoner, to make a Rule or Order to cause such Prisoner to be brought to the next Assizes which shall be holden for the County, County of a City or County of a Town, where he or she shall be imprisoned; and the expense of bringing such Prisoner to any such Assizes, not exceeding a Mile, shall be paid to the Keeper or Gaoler or Officer who shall bring such Prisoner to such Assizes, in obedience to such Rule or Order, out of such Prisoner's Estate or Effects, if the same shall be sufficient to pay such expense, and if not, then such expense shall be paid by the Treasurer of the County, County of a City or County of a Town, in which such Prisoner shall be imprisoned, as the same shall be directed or ordered by the Judge before whom such Prisoner may be brought; and the Grand Jury of such County, County of a City or County of a Town, is hereby empowered and required to present the amount thereof: And a Copy of such Petition Schedule and Oath, and also of such Rule or Order of the Court thereupon, shall be served in manner aforesaid on all and every the several persons required to be served with such Petition as aforesaid, days at the least before the holding of such Assizes; and on

Prisoners in County Gaols under Process of the Superior Courts, shall be brought up to Ailura under Orders of a County Court; and discharged by a Judge at such Ailura, &c.

- due proof being made of such service thereof, the Judge or Judges of Assizes is and are hereby required to appoint a time for hearing the matter of such Petition as aforesaid, on some certain day and time during such Assizes, and on such day so appointed the Judge or Judges of such Assizes respectively shall there in a summary way examine in manner aforesaid into the matter of such Petition, and hear what can or shall be alleged on either side for or against the discharge of the Prisoner so petitioning, and upon every such Examination such Judge or Judges of Assizes respectively, or any one of them, is and are hereby empowered and required respectively within their respective jurisdictions to administer or tender to every such Prisoner the same Oath or Oaths as hereinbefore is or are directed and appointed to be taken by any Prisoner before the Judges of the Court out of which the process, upon which any such Prisoner was taken, issued; and such Judge or Judges of Assizes respectively, or any one of them, is and are hereby respectively authorized and required to make such Order in
- 17 the premises as to him or them shall seem meet, according to the Provisions of this Act, and to proceed in the same manner concerning the discharge of any Prisoner or Prisoners in any Prison within their respective jurisdictions, and to give the same Judgment Relief and Directions relating thereto, in all respects as the Courts out of which any Process shall issue against any such Prisoner as aforesaid, is herein empowered and directed to do, or to postpone, if he or they shall see fit cause for so doing, the hearing of such matter until any subsequent day in the same Assizes or until the ensuing Assizes; and the Judge or Judges at such ensuing Assizes shall have all and every the same Powers in respect thereof; and every Order which shall be made in the premises by any such Judge or Judges of Assize, shall be as valid and effectual as if the same had been made in the superior Court to which such Petition was presented, and the same shall be made a Record of the proceedings at such Assizes, and a Copy thereof shall from thence be transmitted to such superior Court, signed by such Judge or Judges of Assize, to
- 18 be a Record of the said Court, and to be kept as such among the Records thereof.

- Provided always, and be it Enacted, That in case it shall be made appear to the satisfaction of the Court to whom any such Prisoner shall apply to be discharged according to the directions of this Act, that any of the persons required to be served with such Petition, Schedule, Oath, Order or Notice, is or are beyond the Seas, or cannot be found, so as to be served with such Petition, Schedule, Oath and Order, as required by this Act, and the said Court shall not think fit to order Notice to such persons to be inserted in the *Dublin Gazette* and such Newspapers as aforesaid, or to substitute any other mode of Notice, it shall be lawful for the said Court to proceed upon the said Petition notwithstanding such defect in the service thereof; but in such case such Prisoner shall not be in any manner discharged from the Demands of the person or persons who shall not be so served, or with respect to whom such Notice shall not be given in the *Dublin Gazette* and such Newspapers as aforesaid, or in such other substituted mode of Notice as shall be approved of by the said Court, unless such person or persons shall appear before the said Court, and oppose the discharge of such Prisoner,
- 19 or consent to the proceeding of the Court, notwithstanding any such defect of service.

Court may proceed where Notice is not given in the *Dublin Gazette*, &c. if Creditors cannot be found.

If serving of Petition may be deferred, in case of defect of service.

Provided also, and be it further Enacted That in case of any defect in the service of such Petition, Schedule, Oath or Order, it shall be lawful for such Court from time to time to allow further time for such purpose, and to make an Order or Orders for adjourning the hearing of the matter of the said Petition, in the whole, or with respect to any particular person or persons, to give opportunity for such service; and in case the said Petition, Schedule, Oath and original Order, together with such further Order or Orders, shall be duly served according to the Provisions of this Act, on the person or persons not before duly served, days before the
day appointed for hearing the matter of the said Petition on any such further Order, it shall be lawful for the said Court to proceed on such service, as the said Court might have done if the said Petition, Schedule, Oath and original Order, had been duly served according to the Provisions before contained in this Act.

On hearing the Petition, the Court may appoint a

And be it further Enacted, That upon the day appointed for hearing the matter of the said Petition, or upon such subsequent day as such Court shall appoint for such purpose, such Court respectively shall cause such Prisoner 20
to be brought before the said Court, to be examined touching the truth of the matter contained in the said Petition and Schedule; and any of the Creditors of such Prisoner, and any of the persons named or described in such Schedule, as claiming to be Creditors of any such Prisoner, and any person or persons not named or described in such Schedule, who shall claim to be a Creditor or Creditors of such Prisoner, shall be at liberty to oppose such Petition, and for that purpose to put such questions to such Prisoner as the said Court shall think fit, touching the matters contained in such Petition and Schedule, and touching such other matters as the said Court shall be of opinion it may be fit and proper that such questions should be put for the due execution of this Act; and such Prisoner shall answer all such questions upon Oath; and in case such Prisoner shall not so answer all such questions to the satisfaction of the said Court, or in case it shall be made appear to the satisfaction of the said Court, from such answers as shall be given by such Prisoner, or by Evidence, that such Prisoner is not entitled to the benefit of this Act, then and in such case such Court shall so declare, and shall remand such Prisoner 21
to custody: Provided always, that in case such Court shall entertain any doubt touching any matter alleged against such Prisoner to prevent his or her discharge, or touching the examination of such Prisoner, it shall be lawful for such Court to remand such Prisoner to custody, and afterwards to cause such Prisoner to be again brought up for examination as often as to such Court shall seem fit.

Court, if not satisfied, may remand the Prisoner.

Persons claiming to be Creditors, may do so, and give Notice, to be added to the Schedule.

And be it further Enacted, That in case any person or persons claiming to be a Creditor or Creditors of any Prisoner, shall oppose the Petition of such Prisoner for his or her discharge, such person or persons, although not duly served with such Petition, Schedule, Oath or Order as aforesaid, shall be considered as having had due Notice thereof; and the name or names of such person or persons shall be added to the said Schedule by the said Court, either as a Creditor or Creditors, or as claiming to be a Creditor or Creditors of such Prisoner.

Court may appoint where they are not

And be it further Enacted, That in case the Court to whom any Prisoner shall apply to be discharged, according to the direction of this Act, shall be

- be of opinion that such Prisoner is entitled to the benefit of this Act, then and in such case the said Court shall so order and adjudge, and shall in such Order specify the several Creditors and persons claiming to be Creditors of such Prisoner, who shall appear to have been duly served with Notice of such Proceedings, as required by this Act, or with respect to whom Notice shall appear to have been given in the *Dublin Gazette* and other Newspapers as aforesaid, or in such other manner as shall have been directed as aforesaid, or who shall have appeared before the said Court, and opposed the discharge of such Prisoner, or consented to the proceeding of the Court with respect to their demands, notwithstanding any defect of service of such Notice; and the said Court shall in such Order also specify the several persons against whose demands such Prisoner shall be deemed by such Court entitled to be discharged by virtue of this Act; and such Court shall appoint a proper Person or proper Persons to be Assignee or Assignees of the Estate and Effects of such Prisoner, for the purposes of this Act, and shall order proper Conveyances and Assignments of such Estate and Effects to be made by such Prisoner, according to this Act, together with an Engagement to be executed by
- 22 such Prisoner to pay so much of the just Debts and Demands of the several persons against whom such Prisoner shall by such Court be adjudged entitled to the benefit of this Act, as shall not be paid out of the Estate and Effects to be conveyed and assigned by such Prisoner for such purpose, in case he or she shall at any time thereafter be enabled to pay such Debts and Demands, or to pay such part or parts thereof as he or she shall be able at any time to pay; and shall also order all Books Papers and Writings in the custody or power of such Prisoner, relating to the Estate and Effects of such Prisoner, and the Demands of his or her Creditors, to be delivered on Oath to such Assignee or Assignees, or otherwise to be disposed of as such Court shall direct: And upon the due execution of all such Conveyances Assignments and Engagements as aforesaid, and delivery of such Books Papers and Writings as aforesaid, as such Court shall direct, such Court shall order such Prisoner to be discharged from custody; and Judgment shall thereupon be entered against such Prisoner in pursuance of such engagements as aforesaid, in such Court, if the same be one of His Majesty's superior Courts of Law in *Dublin*, and if not, then in any of such His Majesty's superior Courts; which Judgment shall and may, if the said Court shall so order, be executed against the future Estate and Effects of such Prisoner, Real and Personal, as the said Court shall direct, and shall bind the Assets of such Prisoner, Real and Personal, in the hands of his Heirs Executors and Administrators, for the full amount of the Debts and Demands aforesaid, which shall remain unsatisfied, or so much of such Debts and Demands as the said Court shall be of opinion ought to be satisfied; and Execution shall be had upon such Judgment in such and the same manner as Execution may be had upon a Judgment of the Court of King's Bench, nevertheless according to the Orders of the Court to be established by virtue of this Act, and in conformity to the Provisions in this Act contained.
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opinion Prisoners are entitled to the benefit of this Act, &c.

Assignments to be approved, and Engagements entered into for payment of Debts not satisfied.

Books, &c. of Prisoner to be delivered up.

Prisoner then to be discharged, but Judgment shall be entered against his future Estate.

AND whereas Prisoners discharged by virtue of this Act may be entitled to Annuities for their own lives, or other uncertain Interests, or to reversionary or contingent Interests, or to Property under such circumstances,

Sale of Annuities or contingent Interests may be referred by the Court.

that the immediate sale thereof for payment of their Debts may be very prejudicial to them, and deprive them of the means of subsistence which they might otherwise have after payment of their Debts; and it may be proper in some cases to authorise the raising of Money by way of Mortgage for payment of the Debts or part of the Debts of a Prisoner discharged by virtue of this Act, and defraying expenses attending the execution of this Act, instead of selling the Property of such Prisoner for such purposes; BE it Enacted, That in all such cases, it shall be lawful for the Court by whom any such Prisoner shall be discharged, to take into consideration all circumstances affecting the Property of any such Prisoner, either at the time of the discharge of such Prisoner, or at any subsequent time; and if it shall appear to the said Court, that it would be reasonable to make any Special Order touching the same, it shall be lawful for the said Court so to do, and to direct that such Property as it may be expedient not to sell, or not to sell immediately, according to the Provisions of this Act, shall not be so sold; and from time to time to order and direct in what manner such Property shall be managed for the benefit of the Creditors of such Prisoner, until the same can be properly sold, or until payment of all such Creditors according to the Provisions of this Act, and to make such order touching the sale or disposition of such Property as to the said Court shall seem reasonable, considering the Rights of the Creditors of such Prisoner to payment of their Demands, and the future benefit of such Prisoner after payment of his or her Debts, and upon such terms and conditions with respect to the allowance of Interest on Debts not bearing Interest, or other circumstances, as to the said Court shall seem just; and if it shall appear to the said Court that the Debts of such Prisoner can be discharged by means of Money raised by way of Mortgage on any Property of such Prisoner, instead of raising the same by Sale, it shall be lawful for the said Court so to order, and to give all necessary directions for such purpose, and generally to direct all things which may be proper for the discharge of the Debts of such Prisoner in such manner as may be most consistent with the interests of such Prisoner, in any Surplus of his or her Effects after payment of such Debts.

Court may, on complaint of Creditors, within

avoid the discharge of Prisoner, on being satisfied that he obtained his Discharge fraudulently.

Provided always, and be it further Enacted, That in case any Creditor against whom any Prisoner shall have obtained his or her Discharge by virtue of this Act, shall within after the date of the Order for such Discharge, apply to the Court by which such Order was made, to avoid such Discharge as improperly obtained, and upon such application it shall appear to the satisfaction of the Court that such Prisoner has acted in any manner fraudulently in obtaining such Discharge, or has wilfully concealed any of his or her Estate or Effects, by not specifying or not properly specifying the same as such Schedule as aforesaid, for the purpose of depriving the Creditors, against whom he shall have obtained such Discharge, of the benefit thereof, it shall be lawful for such Court to declare the Discharge so obtained by such Prisoner null and void; and it shall thereupon be lawful for any Creditor or Creditors of such Prisoner against whom such Discharge shall have been obtained, to proceed against such Prisoner as if such Discharge had not been obtained, such Creditor or Creditors relinquishing all benefit of the Assignment of the Estate or Effects of such Prisoner which shall

shall remain unimpaired by the Assignee or Assignees appointed under this Act; and any of such Creditors who shall have detained such Prisoner in custody at the time of such Discharge, shall be at liberty to apply to such Court to remand such Prisoner again into custody on the same Process from which he or she had been so discharged; and such Court shall have power to make an Order that such Prisoner shall be remanded accordingly, and such Order shall be sufficient authority for the Arrest and detention of such Prisoner, upon the Process from which such Prisoner was before discharged; and so much (if any) of the Estate or Effects of such Prisoner as shall then remain in the hands of the Assignee or Assignees thereof, after paying all the just charges and expences of such Assignee or Assignees to be allowed by the said Court, shall be re-conveyed or re-assigned or paid to such Prisoner, as the said Court shall direct; but so much of such Estates and Effects as shall have been before applied in payment of the Debts of such Prisoner, shall be retained by the Creditors who shall have received the same in part of their respective demands, excepting only the Creditor or Creditors who shall apply to the Court to avoid such Discharge, who shall repay the Dividend or Dividends received by him her or them respectively, to the Assignee or Assignees of the Estate and Effects of such Prisoner, before such Order declaring such Discharge null and void shall be delivered out by the said Court.

And be it further Enacted, That in case any Prisoner who shall have been discharged by virtue of this Act, shall become able to pay all or any part of the Debts due from him or her, and against which he or she shall have obtained such Discharge, after a reasonable Allowance for the Maintenance of such Debtor and his or her Family, and payment of his or her Debts contracted after such Discharge, or to which such Discharge did not extend, it shall and may be lawful for any Creditor or Creditors against whom he or she shall have obtained such Discharge, to apply to the Court by whom such Discharge was ordered, for liberty to proceed against such Debtor, notwithstanding such Discharge; and in case it shall appear to the satisfaction of such Court, that such Debtor is of ability to pay such demand, or any part thereof, it shall be lawful for such Court to revoke such Discharge, either wholly or upon payment of such sum or sums of Money for the benefit of the persons against whom such Discharge shall have been obtained, either in gross or by several payments, as to such Court shall appear reasonable; or it shall be lawful for the Court wherein Judgment shall have been entered as aforesaid, on application to such Court, to permit Execution to be taken out in such case on the Judgment entered up in such Court, upon the engagement of such Prisoner for such sum of Money as the said Court shall think fit, to be distributed rateably amongst the Creditors entitled under such engagement; and such Proceedings shall and may be had according to the discretion of the said Court or Courts respectively from time to time, until the whole of the Debts due to the several persons against whom such Discharge shall have been obtained, shall be fully paid and satisfied, together with such Costs as such Court or Courts respectively shall think fit to award: Provided always, that in case any such application shall appear to be ill-founded and vexatious, it shall be lawful for the Court to whom the same shall be made, not only to refuse to make any Order on such application,

When it shall appear to the Court after Prisoner shall have obtained Discharge, that he is able to pay his Debts, the Court shall revoke such Discharge.

application, but also to dismiss the same with such Costs as to such Court 31 shall appear reasonable.

On Prisoner dying leaving Affairs unfinished, Creditors may apply to the Court to proceed on Judgment entered into on his Engagement to pay Debts not satisfied.

And be it further Enacted, That in case any Prisoner who shall have been discharged by virtue of this Act, shall die, leaving Assets Real or Personal, after payment of all his or her Debts, exclusive of the Debts from which such Prisoner shall have obtained such Discharge, it shall be lawful for the person or persons entitled to so much of such Debt or Debts, from which such Discharge shall have been obtained, as shall remain unpaid, to apply to the Court wherein such Judgment shall have been entered as aforesaid, for liberty to proceed thereon in order to obtain payment of so much of such Debt or Debts as shall then remain due as aforesaid, and such Court shall make such Order thereupon as shall be just; and the Heirs Executors or Administrators of such deceased Prisoner shall apply the Assets in his her or their hands according to such Order, but without prejudice to the demand of any other Creditor or Creditors of such deceased Prisoner, all of which shall be first paid or satisfied: Provided always, that in case it shall at any time be made appear to such Court, that the Estate or Effects 32 of such Prisoner, conveyed or assigned under the Authority of this Act, would have been sufficient, if carefully and properly managed, to have satisfied all the Debts from which such Prisoner had been discharged, or to have satisfied a larger proportion of such Debts than shall have actually been paid therewith, then and in any such case such Court shall not authorize any further Proceedings against such Prisoner, or his or her Assets, except for so much of the Debts of such Prisoner as could not have been satisfied out of the Estate and Effects so conveyed and assigned, in case the same had been carefully and properly managed, and rendered productive for the discharge of such Debts: Provided also, that in no case, Interest shall be recovered on such Judgment on any such Debts, until the said Court shall order the same, which shall be wholly in the discretion of the said Court as hereinafter provided.

Estate of Prisoner shall be vested in Person to whom the same, by Order of the Court, shall be directed to be conveyed in Trust for the benefit of Creditors.

And be it further Enacted, That all the Estate Right Title Interest and Trust, of every Prisoner who shall be discharged by virtue of this Act, of in and to all the Real Estate, and of so and to all the Personal Estate, Debts and Effects of every such Prisoner, shall, immediately from and after 33 the Order of such Court as aforesaid for the Discharge of such Prisoner, be and the same are hereby vested in the person or persons to whom the same shall by the Order of the said Court be directed to be conveyed and assigned as aforesaid, in case such person or persons shall consent to accept the same; and the Conveyance and Assignment which shall be made in pursuance of such Order shall be without Stamps, and shall, together with this Act, be good and effectual in Law, to all intents and purposes whatsoever, to vest the Estate and Effects comprised in the person or persons to whom the same shall by order of such Court be directed to be conveyed and assigned as aforesaid, his her or their Heirs, Executors, Administrators and Assigns, according to the Estate and Interest which the Prisoner had therein; and every such Conveyance and Assignment shall be in Trust for the benefit of the Creditor or Creditors of every such Prisoner against whom such Prisoner shall have obtained his or her Discharge by virtue

virtue of this Act, in respect of and in proportion to the Debts hereby due
 34 to them respectively; and every person and persons to whom any such
 Assignment and Conveyance as aforesaid shall be made, is and are hereby
 empowered to see from time to time, as there may be occasion, in his her
 or their own name or names, for the recovery and obtaining possession of
 any Estate or Effects of any such Prisoner, and also to execute any Power
 vested in or created for the use and benefit of any such Prisoner, and to
 give such Discharge and Discharges to any person or persons who shall
 respectively be indebted to such Prisoner, as may be requisite: Provided
 always, that nothing herein contained shall extend to prejudice or affect any
 Estate Interest or Right whatsoever of any person or persons, other than
 such Prisoner, expectant upon or subject to any Estate or Interest of such
 Prisoner so vested in such Assignee or Assignees as aforesaid, but that the
 Estate Interest and Right whatsoever of every other person and persons
 shall continue and remain and be secured to him her or them respectively,
 in the same manner as if this Act had not been made.

And be it further Enacted, That every such Assignee or Assignees as
 35 aforesaid shall, with all convenient speed after his her or their accepting such
 Assignment or Conveyance, use his her or their best endeavours to receive
 and get in the Estate and Effects of every such Prisoner, and shall with all
 convenient speed make sale of all the Estate and Effects of such Prisoner
 vested in such Assignee or Assignees; and if such Prisoner shall be interested
 in or entitled to any Real Estate, either in possession, reversion, or expect-
 ancy, the same, within the space of months after such Assignment
 and Conveyance, shall be sold by public Auction, in such manner and at such
 place or places as the major part of the Creditors of such Prisoner entitled
 to the benefit thereof (who shall assemble together on any Notice in writing
 published in the *Dublin Gazette*, and in some daily Paper printed and pub-
 lished in *Dublin*, if the Prisoner before his or her going to Prison resided in
Dublin; and if such Prisoner resided elsewhere, then in the *Dublin Gazette*,
 and also in some printed Newspaper which shall be published and generally
 circulated in or near the County, Riding, Division, City, Town, Liberty or
 Place in which such Prisoner resided before he or she was committed to
 Prison, days before any such Sale shall be made) shall, under his
 36 her or their hand or hands, approve; and every such Assignee or Assignees,
 at the end of months at the farthest from the time of his her or their
 accepting any such Assignment or Conveyance as aforesaid, and so from time
 to time as occasion shall require, shall make a fair and just Dividend, of all
 such Prisoner's Estate and Effects which shall have been then recovered,
 amongst such Creditors of such Prisoner, from whose Demand such Prisoner
 shall have obtained a Discharge as before mentioned, in proportion to the
 just Debts due to them respectively; but before any such Dividends shall
 be made, such Assignee or Assignees shall make up an Account of such
 Prisoner's Estate, and make Oath in writing before one or more Justice or
 Justices of the Peace within whose jurisdiction such Assignee or Assignees
 shall reside, that such Account contains a fair and just Account of the
 Estate and Effects of every such Prisoner got in by or for such Assignee or
 Assignees, and of all payments made in respect thereof, and that all pay-
 ments in every such Account charged were truly and *bona fide* made and
 185. D paid;

Assignees to
 get in the
 Estate and
 Effects of Pri-
 soners, and
 make Divi-
 dend to the
 Creditors at
 the end of
 Months,
 &c.

paid; which Account so sworn shall be filed with the proper Officer of the said Court; and Notice of the making of every such Dividend shall be published in like manner as a Meeting of Creditors is hereinbefore directed to be published, 37
 days at least before such Dividend shall be made; and no Creditor shall be allowed to receive any Share of such Dividend until he shall have made due proof of his or her Debt, by Oath, before some such Justice or Justices of the Peace; and if such Prisoner, or his or her Assignee or Assignees, or any Creditor of such Prisoner, shall object to any Debt so claimed, the same shall be examined into by the Court by whom such Prisoner shall have been so discharged, who shall have full power for that purpose to require and compel the production of all Books Papers and Writings which may be necessary to be produced, as well by the person or persons claiming such Debt, as by the Prisoner against whom the same shall be claimed, or his or her Assignee or Assignees, and to examine all such persons and the witnesses on Oath, as the nature of the case may require, and to take all other measures necessary for the due investigation of such Claim; and the Decision of the said Court upon such Claim shall be conclusive with respect to any Dividend of the Effects of such Prisoner under 38
 the Provisions of this Act.

Court to compel Assignee to give a full and true Account of the Effects of the Prisoner.

And be it further Enacted, That in case the Prisoner so discharged, or any of his or her Creditors, against whom he or she shall have obtained such Discharge, shall be dissatisfied with the Account of any Assignee or Assignees rendered upon Oath as aforesaid, or in case any such Assignee or Assignees shall neglect to render such Account, or shall neglect to dispose of the Property or collect the Effects of such Prisoner, or shall in any manner waste or mismanage the Estate or Effects of such Prisoner, or neglect to make a due distribution thereof, it shall be lawful for such Court by whom such Assignee was appointed, upon the application of such Prisoner or of any such Creditor as aforesaid, to require such Assignee or Assignees to render such Account on Oath as directed by this Act, if not before rendered, and to examine any Account so rendered, and to enquire into any waste mismanagement or neglect of the Estate or Effects of such Prisoner, and to direct a proper administration thereof, and ascertain the produce of such Estate and Effects to be divided amongst the Creditors of such Prisoner, and to 39
 direct the distribution thereof accordingly, and to require and compel the production of all Books Papers and Writings necessary for such purposes, and to examine all parties and their witnesses on Oath, as the case may require, and to take all such measures as shall be necessary for the compelling the rendering of such Account and the due investigation thereof, and the proper disposition and distribution of the Effects of such Prisoner according to this Act, and to award Costs against any of the parties, as justice shall require; and the Decisions of the said Court upon all such matters shall be final and conclusive.

Creditors for Assignees, &c. to be entitled to Dividends in like manner as if Prisoner had become Bankrupt, &c.

And be it further Enacted, That all and every Creditor and Creditors of any Prisoner who shall be discharged by virtue of this Act, for any sum or sums of Money payable by way of Annuity or otherwise, at any future time or times, by virtue of any Bond Covenant or other Security of any nature whatsoever, shall be entitled to be admitted a Creditor or Creditors, and to receive

receive a Dividend or Dividends of the Estate of such Prisoner, in such manner and upon such terms and conditions as such Creditor or Creditors would have been entitled unto such Dividends by the Laws now in force, if such Prisoner had become Bankrupt, and without prejudice in future to their respective Securities, otherwise than as the same would have been affected by proof made in respect thereof by the Creditor under a Commission of Bankrupt, and a Certificate obtained by the Bankrupt under such Commission; but subject nevertheless to the terms of the engagement of such Prisoner for future payment of his or her Debts, in case such Prisoner should become able to pay the same, as hereinbefore directed.

Provided always, and be it further Enacted, That from the date of any such Order of Discharge as aforesaid, all Interest on any Debt, bearing Interest, of the Prisoner so discharged, shall cease, and not be computed in the amount of such Debt in the distribution of the Estate and Effects of such Prisoner under the Authority of this Act; but if it shall appear to the satisfaction of the Court, that such Estate and Effects of such Prisoner are not only sufficient for payment of the Principal of all the Debts of such Prisoner payable thereout under the Authority of this Act, together with all other Debts of such Prisoner, and to afford such Prisoner competent means of future Subsistence, but are so considerable as to render it fit that Interest should be allowed on Debts of such Prisoner, bearing Interest from any period after the date of such Order of Discharge, it shall be lawful for the said Court to order such Interest to be paid accordingly, and to fix the time from which such Interest shall be computed, having regard always to the unproductive state of the Effects of such Prisoner during the administration thereof under the Authority of this Act; and if it can be shewn to the satisfaction of the Court in which such Judgment shall be entered as aforesaid, that the subsequently acquired property of such person so discharged is so considerable as aforesaid, then such Court shall and may in its discretion direct the payment of Interest in like manner.

Interest on Debts of Prisoner to cease, which has Effects are sufficient to bear it.

And be it further Enacted, That no Suit in Law or Equity shall be commenced by any Assignee or Assignees of any such Prisoner's Estate and Effects, without the consent of the major part in Value of the Creditors of such Prisoner, who shall meet together pursuant to a Notice for that purpose, to be given at least days before such Meeting, in the Dublin Gazette, or other Newspaper, as hereinbefore required, previous to the sale of any Estate of such Prisoner.

Assignees not to commence any Suit without the Consent of Creditors.

And be it further Enacted, That the proper Officer of the Courts aforesaid respectively, shall, on the reasonable request of such Prisoner, or of any Creditor or Creditors of such Prisoner, or his her or their Attorney, produce and shew to such Prisoner, Creditor or Creditors, or his her or their Attorney, at such times as the said Court shall direct, such Petition, Schedule, Oath, Order and Judgment, and all other Orders and Proceedings made and had in such matter; and that a true Copy of every such Petition, Schedule, Oath, Order, Judgment and Proceedings, signed by the Officer in whose custody the same respectively shall be, or his Deputy, certifying the same to be a true copy of such Petition, Schedule, Order, Judgment or other Proceeding, as the case may be, without being written

Officer of the Court to produce its Proceedings when required.

Copy to be Evidence.

on stamped Paper, shall at all times be admitted in all Courts whatever as legal Evidence of the same respectively.

Mortgages, &c. on the Estate of Prisoners, not to be affected, &c.

Provided also, and be it further Enacted, That nothing in this Act shall extend or be construed to prevent any Mortgage Charge or Lien upon the Estate of such Prisoner, or any part thereof, made prior to the discharge of such Prisoner by virtue of this Act, to take place upon the Lands Tenements or Hereditaments, or Personal Estate and Effects comprised in or charged or affected by such Mortgage Charge or Lien respectively, nor to prevent any Statute Staple, Statute Merchant, Recognizance or Judgment, acknowledged by or obtained against any such Prisoner prior to such discharge, to take place upon the Lands Tenements or Real Estates of such Prisoner; and also where any Inquisition shall have been taken upon any Statute or Recognizance, or any Writ or Execution shall have been taken out and delivered to the Sheriff or proper Officer upon any such Judgment, before such Prisoner shall have obtained his or her discharge as aforesaid, the Personal Estate of such Prisoner shall be subject thereto for so much as shall remain due upon such Statute Recognizance or Judgment respectively, in like manner as the same would have been subject respectively if this Act had not been made; any thing hereinbefore contained to the contrary notwithstanding; unless in any of the said cases the Creditor or Creditors having such Mortgage, Charge, Lien, Statute Staple, Statute Merchant, Recognizance, Judgment or Execution, shall elect and take and receive any Dividend under this Act in respect of such Debt, and shall cause such Election to be entered on the Files of the Court discharging such Prisoner: Provided always, that no such person who shall not have so made and entered such Election, shall be entitled to receive any Dividend under this Act, in respect of any Debt so secured.

Power of Leasing of Lands, &c. in Prisoners, vested in Assignees for benefit of his Creditors.

AND whereas a Prisoner who may be entitled to and claim the benefit of this Act, may be seized and possessed of or entitled to Lands Tenements or Hereditaments, to hold to such Prisoner for the term of his or her life, or other limited Estate, with power of granting Leases, or may have powers over Real or Personal Estate, which such Prisoner could execute for his or her own advantage, and which said Powers ought to be executed for the benefit of the Creditors of such Prisoner; BE it therefore Enacted, That in every such case all and every the powers of Leasing, and all such other Powers as aforesaid over Real or Personal Estate, which are or shall be vested in any such Prisoner or Prisoners as aforesaid, shall be and are hereby vested in the Assignee or Assignees of the Real and Personal Estate of such Prisoner by virtue of this Act, to be by such Assignee or Assignees executed and sold and conveyed for the benefit of all and every the Creditor or Creditors of such Prisoner as aforesaid.

Pay of Officer or Income of any Benefice, not to be affected, but the Assignees may claim a Sequestration of the Profits of such Benefice.

Provided always, and be it further Enacted, That nothing in this Act contained shall extend to entitle the Assignee or Assignees of the Estate and Effects of any Prisoner being an Officer of the Army or Navy, or beneficed Clergyman or Curate, to the Pay of such Officer, or the Income of any Benefice or Curacy, for the purposes of this Act: Provided always nevertheless, that it shall be lawful for such Assignee or Assignees to apply for and obtain a Sequestration of the Profits of any such Benefice, for the payment

payment of the Debts of any such Clergyman, against which such Clergyman shall have obtained a discharge by virtue of this Act; and the Order for such discharge shall be a sufficient Warrant for the granting of such Sequestration, without any Writ or other Proceeding to authorize the same; and such Sequestration shall accordingly be issued as the same might have
 46 been issued upon any Writ of *Levavi Facias* founded upon any Judgment against such Clergyman: Provided also, that it shall be lawful for the Court ordering the discharge of any such Prisoner, to order any portion of the Pay or Half Pay of any such Officer of the Army or Navy to be applied in payment of his Debts, and for that purpose to be paid to his Assignee or Assignees, and such Order being lodged in the Military Department of the Office of Chief Secretary to the Lord Lieutenant or other Chief Governor or Governors of Ireland, such Chief Secretary, or in his absence the Under Secretary of the Military Department, shall give directions accordingly, or shall cause the same to be transmitted to the proper Officer for that purpose; and such proportion of the Pay or Half Pay of such Officer as shall be specified in such Order shall be paid to his Assignee or Assignees, until the said Court shall make order to the contrary.

And be it further Enacted, That if any person who shall apply for his or her Discharge under the Provisions of this Act, or any other person taking an Oath under the Provisions of this Act, shall wilfully forswear and perjure
 47 himself or herself in any Oath to be taken under this Act, and shall be lawfully convicted thereof, he or she so offending shall suffer such punishment as by Law may be inflicted on persons convicted of

*Perjury for-
swearing
themselves,
guilty of Per-
jury.*

And be it further Enacted, That no Prisoner who shall have obtained his or her Discharge by virtue of this Act, shall at any time after such Discharge, so long as the same shall remain in force, be imprisoned by reason of any Judgment or Decree obtained for payment of Money only, or for any Debt, Damages, Contempt for nonpayment of Money, Costs, or sums of Money contracted, incurred, occasioned, owing or growing due, with respect to which such Discharge shall have been obtained; but that upon every Arrest upon any such Judgment or Decree, or for any such Debt, Damage, Contempt, Costs, sum and sums of Money, it shall and may be lawful for any Judge of the Court from which any such Process shall have issued, upon shewing to such Judge the Copy of the Order for such Discharge as aforesaid, and upon Affidavit that such Discharge still remains in force, to release from custody such Prisoner as aforesaid; and at the same
 48 time, if such Judge shall in his discretion think fit, to order the Plaintiff or Plaintiffs in such Suit or Suits, or other Person or Persons suing out such Process, to pay such Prisoner the Costs which he or she shall have incurred on such occasion, or so much thereof as to such Judge shall seem just and reasonable, such Prisoner causing a common Appearance to be entered for him or her in the Action or Suit for any such Debt as aforesaid: -

*Prisoner dis-
charged not to
be arrested for
the same Debt.*

Provided always, and be it Enacted, That when any such person shall have been discharged by any Court other than one of His Majesty's superior Courts in Dublin, or the Court of Assizes, no Creditor whose Debt could not be lawfully sued for and recovered in the Court by which

*In case of
Prisoner being
discharged by
inferior Courts.*

such Discharge shall have been made, shall be in any respect affected by such Discharge, unless such Creditor shall have received a Dividend on such Debts under the Provisions of this Act.

Prisoner not to be discharged of any Debt incurred subsequent to his Application for Discharge.

Provided always, and be it further Enacted, That no Prisoner shall be discharged by virtue of this Act, of any Debt or other matter accrued or incurred subsequent to the Application of such Prisoner to be discharged; and if it shall appear to the Court that any Prisoner applying to be discharged as aforesaid, stands charged in custody with any Debt or other matter accrued or incurred subsequent as well as previous to such Application, then and in such case it shall and may be lawful to and for such Court to discharge the person of such Prisoner only from such Debts or other matters as had accrued or been incurred previous to such Application, and to remand him or her back to the custody of the Keeper of the Prison from whence he or she was brought, for all Debts and other matters for which he or she shall stand charged, and which shall have accrued or been incurred subsequent to such Application.

General Issue may be pleaded, to Actions brought for wrong under this Act.

And be it further Enacted, That if any Action of Escape, or any Suit or Action to be brought against any Judge, Justice of the Peace, Sheriff, Gaoler or Keeper of any prison, or other person, for performing the duty of his office in pursuance of this Act, such Judge, Justice, Sheriff, Gaoler or Keeper, or other person, may plead the General Issue, and give this Act in evidence; and if the Plaintiff be unsatisfied, or discontinue his or her Action, or Verdict shall pass against him or her, or Judgment should be had upon Demurrer, the Defendant shall have Costs.

Actions against Prisoners not charged, have to be defended.

And be it further Enacted, That if any *Sicre Facias* or Action of Debt or upon Judgment, or any other Suit or Action, shall be brought against any Prisoner, his or her Heirs Executors or Administrators, upon any Judgment obtained against any such Prisoner, or any Statute or Recognizance acknowledged by him or her, or any other Cause of Action from which such Prisoner shall have obtained his or her Discharge by virtue of this Act, except under the Judgment to be entered by virtue of this Act, it shall and may be lawful for any such Prisoner, his or her Heirs Executors or Administrators, to plead generally that such Prisoner was duly discharged from such Debt or Demand, according to this Act, by the Order by which such Discharge shall have been obtained, and that such Discharge remains in force, without pleading any other matter specially; whereunto the Plaintiff or Plaintiffs shall or may reply generally, and deny the matters pleaded as aforesaid, and reply any other matter or thing which may shew the Defendant or Defendants not to be entitled to the benefit of this Act, or the Plaintiff not to be affected thereby, or that such Prisoner was not duly discharged according to the Provisions of this Act, in the same manner as the Plaintiff or Plaintiffs might have replied in case the Defendant or Defendants had pleaded this Act, and his Discharge by virtue of this Act specially; and if the Plaintiff or Plaintiffs be unsatisfied, discontinue his or her Action, or Verdict pass against him her or them, or Judgment shall be had and Demurrer, the Defendant or Defendants shall have Costs.

Provided

Provided always, and be it further Enacted, That in case it shall appear to the satisfaction of the Court which shall decide as to the Discharge of any Prisoner, that any Prisoner who shall apply for a Discharge by virtue of this Act, has wantonly wasted his or her Estate or Effects whilst in Prison, or has at any time fraudulently disposed thereof, or any part thereof, with intent to deprive any of his or her just Creditors of the benefit thereof, or has wilfully remained in Prison, although entitled to be discharged therefrom by virtue of this Act, or otherwise with intent to consume his or her property in Prison, instead of applying the same to the discharge of his or her just Debts, such Prisoner shall not be entitled to the benefit of this Act; unless on special circumstances the said Court shall think fit to grant such Discharge.

Provided also, and be it further Enacted, That nothing in this Act contained shall extend or be construed to extend to release or discharge any Attorney at Law, Solicitor or any other Person acting or pretending to act as such, with regard to any Debt or Demand for any Money or other Effects recovered or received by him for the use of any person or persons, Bodies Corporate or Politic, and by any such Attorney Solicitor or other person acting as such, embezzled concealed or converted to his own use; or to release or to discharge any Servant or other person employed or entrusted as such, with regard to any Debt or Demand for or on account of any Money, Goods or other Effects, received or possessed by him or her for the use and account of his or her Master or Masters, or Employer or Employers, and by such Servant or other persons so embezzled concealed or converted to his or her own use; or to release or discharge any person with regard to any Debt or Demand arising from or created by any breach of trust or confidence; any thing herein contained to the contrary thereof in anywise notwithstanding; unless the person or persons to whom such Debt or Demand shall be due or owing, shall consent to the Discharge of such Prisoner by virtue of this Act, or unless such Prisoner shall have been confined in Prison for such Debt or Demand for the space of _____ years before the time when such Prisoner shall apply for his or her Discharge by virtue of this Act.

Provided also, and be it further Enacted, That no Prisoner who knowingly and designedly, by false pretence or pretences, or under any fictitious name or names assumed for the purposes of obtaining credit, or by any other fraudulent means shall have obtained from any person or persons Money, Goods, Wares, Merchandises, Bonds, Bills of Exchange, Promissory Notes or other securities for Money or other Effects; or who shall have contracted any Debt by fraudulently obtaining false credit or by any other fraudulent means, or who shall have fraudulently removed or caused to be removed any Stock, Cattle, Goods or Effects of the value of Pounds or upwards, which were subject or liable to be distrained by his or her Landlord or Landlords for any Rent or Rents, whereby such Landlord or Landlords shall have lost all or some part of such Rent or Rents; shall have any Discharge by or under this Act, from the Debt or Demand arising from or remaining due in consequence of such fraudulent conduct; unless the person or persons who shall be entitled to such Debt or Demand shall consent to the Discharge of such Prisoner by

Prisoner was not making use of E.S.D. in Prison, not entitled to the benefit of this Act.

Attorney, Servant, or Agent, not entitled to Money, not entitled to the benefit of this Act; unless the Creditors consent, or the Prisoner has been confined Year.

No Prisoner obtaining Credit by false Pretences, or removing Effects liable to be distrained for Rent, entitled to the benefit of this Act; unless the Creditors consent, or Prisoner has been confined Year.

virtue of this Act, or such Prisoner shall have been confined in Prison for such Debt or Demand for the space of _____ years before the time when such Prisoner shall apply for his or her Discharge by virtue of this Act.

Prisoner refusing Bail so be charged, not discharged but on certain conditions.

Provided also, and be it further Enacted, That no Prisoner who shall have suffered any person who has become Bail or Surety for such Prisoner, to be charged in respect of such Bail or Surety, shall be discharged by virtue of this Act from any Debt or Demand arising on such account, without the consent of the person or persons entitled to such Debt or Demand. 55

Prisoner charged in Execution for damages recovered in any Action for criminal conversation with the wife of the Plaintiff in such Action, or in any Action for seducing or carnally knowing the daughter or female servant of the Plaintiff in such Action, or in any Action for a malicious Prosecution, or in any Action for any other malicious injury, shall have any Discharge from such Debt or Damages under this Act; unless the person or persons entitled to the benefit of such Debt or Damages shall consent to the Discharge of such Prisoner by virtue of this Act, or unless such Prisoner shall have been confined in Prison, for such Debt or Damage, for the space of _____ years before the time when such Prisoner shall apply for his or her Discharge under this Act.

Years.

Nursery Bankrupt, who shall not have obtained his Certificate, &c.

Provided also, and be it further Enacted, That no Prisoner against whom any Commission of Bankrupt shall have issued and shall remain in force, and who shall not have obtained a Certificate of his or her conformity to the several Statutes concerning Bankrupts under such Commission, shall be entitled to be discharged by virtue of this Act, from any Debt for which such Prisoner shall be detained in custody, and which might have been proved under such Commission; unless such Prisoner shall have been so detained in Prison for the space of _____ years before the time when such Prisoner shall apply for his or her Discharge under this Act. 56

Prisoner applying his Estate since his imprisonment, so that his Creditors cannot have the benefit thereof, shall lose the benefit he might have claimed under this Act.

AND whereas Debtors may, with a view to defraud their Creditors, sell, transfer, convey or assign their Estate and Effects, or some part thereof, but it may be difficult to prove that such Sale or Transfer, Conveyance or Assignment, was made with a fraudulent Design; BE it Enacted, That whenever it shall be proved by one or more credible Witness or Witnesses, or by the Confession of any Prisoner who shall apply for his or her Discharge by virtue of this Act, that such Prisoner has, within _____ years before the time of such Application, sold, transferred, conveyed or assigned to any person or persons all or any part of his Estate or Effects, subsequent to the time of his Imprisonment, or to the time of contracting any Debt for which such Prisoner shall be then detained in custody, without just cause for so doing (to be determined by the Court) and such Sale, Transfer, Conveyance or Assignment, shall remain in force, so that the Creditors of such Prisoner cannot have the benefit of such Estate or Effects under this Act, without Suit at Law or Equity, every such Prisoner shall lose all the benefit and advantage that he or she might otherwise have claimed. 57

claimed under the Authority of this Act; unless all the Creditors of such Prisoner against whom such Prisoner shall seek to be discharged by virtue of this Act, will consent to such Discharge.

AND whereas many Prisoners squander their Property by playing at Cards, Dice and other unlawful Games, whilst in Prison, to the great injury of their Creditors; BE it Enacted, That nothing in this Act shall extend or be construed to extend to discharge or release any Prisoner who hath or shall have lost, since the time of his or her Commitment to Prison for any Debt with which he or she shall stand charged at the time when Application shall be made for his or her Discharge by virtue of this Act, the sum or value of _____ in any one Day, or _____ in the whole, since such Commitment as aforesaid, in playing at or with Cards, Dice, Tables, Tennis, Bowls, Billiards, or any other Game or Games whatsoever, or in or by bearing a Share or Part in the Stakes Wagers or Adventures, or in or by betting on the sides or hands of such as do play as aforesaid; unless all the Creditors of such Prisoner against whom such Prisoner shall seek to be discharged by virtue of this Act shall consent to such Discharge, or unless such Prisoner shall have been confined in Prison for the space of _____ years at the least since the time when any such Money was so lost as aforesaid.

Provided also, and be it further Enacted, That if any Prisoner seeking the benefit of this Act, shall appear to the Court who shall decide as to the discharge of such Prisoner, to have made, within _____ years before the application of such Prisoner to be discharged by virtue of this Act, any Conveyance or Assignment of all or any part of his or her Estate or Effects, in trust or otherwise, for the benefit of any particular Creditor or Creditors, with intent to give an undue preference to such Creditor or Creditors, and afterwards to obtain a Discharge from the Demands of any other Creditor or Creditors by virtue of this Act, such Prisoner shall have no benefit of this Act; unless such person or persons for whose benefit any such Conveyance or Assignment shall have been made, shall first relinquish the same; and that all such Estate and Effects shall be conveyed or delivered by such person or persons as the Court shall direct, for the benefit of all the Creditors of such Prisoner under the Provisions of this Act; or unless all the Creditors against whom such Discharge shall be sought shall consent thereto.

AND whereas the Estates both Real and Personal of any Prisoner who may be discharged by virtue of this Act, may not be sufficiently described or discovered in the Schedule before directed to be delivered upon Oath by such Prisoner, or the assistance of such Prisoner may be necessary to adjust make out recover or manage his Estate or Effects for the benefit of his or her Creditors; BE it therefore Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the Assignee or Assignees of the Estate and Effects of any such Prisoner who shall obtain his or her Discharge in pursuance of this Act, from time to time to apply to the Court by whom such Prisoner shall have been discharged, that such Prisoner may be further examined as to any matters or things relating to his or her Estate

185.

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and

Prisoner losing money by Gaming, not to have the benefit of that Act, which with consent of Creditors, or which he has been confined Years.

Prisoner who shall have made Conveyance of his Estate in Trust for particular Creditors, not to have the benefit of this Act.

Assignees may apply to the Court to have the Prisoner who has obtained his Discharge further examined.

and Effects, either by such Court, or by any Justice of the Peace within whose jurisdiction such Prisoner shall then reside; and if such Court shall direct any such examination before any such Justice, such Justice shall send for or call before him such Prisoner, by such Warrant, Summons, ways or means as he shall think fit; and if such Prisoner shall appear before such Justice, such Justice shall examine him or her upon Oath, or otherwise, as to such matters and things, as such Assignee or Assignees shall desire, relating to the Estate and Effects of such Prisoner; and if any such Prisoner, on payment or tender of payment of such reasonable charges as such Justice shall judge sufficient, shall neglect or refuse to appear before such Justice, not having a lawful excuse allowed by such Justice, or being come before such Justice shall refuse to be sworn or to answer such questions as 61 by such Justice shall be put to him or her, relating to the discovery of his or her Estate and Effects vested or intended to be vested in such Assignee or Assignees as aforesaid, as required by the Order of the said Court, such Justice shall certify such default to the said Court; and thereupon, and also in case such Prisoner shall neglect or refuse to appear before such Court to be examined by such Court, if the Court shall think fit so to order, or appearing before such Court, shall refuse to be sworn, or to answer such questions as shall be put to him or her relating to the discovery of his or her said Estate or Effects, then and in any such cases, it shall be lawful for such Court to commit such Prisoner so offending to any Prison within the jurisdiction of such Court, there to remain, without Bail or Mainprize, until such time as he or she shall submit himself or herself to such Court, and answer upon Oath or otherwise, as shall be required, to all such lawful questions as shall by such Court be put or ordered to be put to him or her for the purposes aforesaid.

Assignees, with consent of majority of Creditors, may take Composition from the Debtors of Prisoners.

And be it further Enacted, That it shall and may be lawful at all times hereafter, for any Assignee or Assignees of the Estate and Effects of any 62 Prisoner discharged by virtue of this Act, by and with the consent of the major part in value of the Creditors of such Prisoner who shall be present at a Meeting to be had on _____ days Notice being previously given for the purpose in the *Dublin Gazette*, if the Prisoner was in custody in the County of *Dublin*, or County of the City of *Dublin*, at the time of his or her Discharge, and if not, then in some Newspaper which shall be published and circulated in the County City or Place in or near which such Prisoner shall have been so in custody, to make Composition with any Person who shall be a Debtor or Accountant to such Prisoner, where a Composition shall appear necessary or reasonable, and to take such reasonable part of any Debt due to such Prisoner as can upon any such Composition be gotten, in full discharge of such Debt, and also to submit to arbitration any difference or dispute between such Assignee or Assignees and any person or persons, for or on account or by reason of any matter cause or thing relative to the Estate or Effects of such Prisoner; and every such Assignee or Assignees is and are hereby indemnified for what he she or 63 they shall fairly do in the premises in pursuance of this Act.

Court may take Composition against Assignees, and may remove them.

And be it further Enacted, That it shall and may be lawful to and for the Court by whom any such person shall be discharged, from time to time, upon

upon the Petition of any person so discharged, or of any Creditor or Creditors of such person, complaining of any insufficiency fixed or misconduct of any Assignee or Assignees of the Estate and Effects of such person, to summon all parties concerned, and upon hearing the parties concerned, to make and give such orders and directions therein, either for the removal of such Assignee or Assignees, and appointing any new Assignee or Assignees in the place of such Assignee or Assignees so to be removed, and for the prudent just and equitable management and distribution of the Estate and Effects of any such person, for the benefit of his or her Creditors, as the said Court shall think fit; and in case of the removal of any Assignee or Assignees, and the appointing of any new Assignee or Assignees, the Estate and Effects of such person so discharged shall from thenceforth be divested out of the Assignee or Assignees so removed, and be vested in and delivered over to such new Assignee or Assignees, in the same manner and for the same intents and purposes as the same were before vested in the Assignee or Assignees first appointed; any thing in this Act contained to the contrary notwithstanding.

And be it further Enacted, That in case of the death or incapacity of any Assignee of the Estate and Effects of any person discharged by virtue of this Act, or in case any Assignee shall be unwilling to act as Assignee, it shall and may be lawful to and for any Creditor of such Prisoner to apply to the said Court to appoint a new Assignee or Assignees, with like powers and authorities as are given by this Act to the original Assignee or Assignees; and the said Court shall have power to appoint such new Assignee or Assignees accordingly, and to oblige any Assignee who shall be removed, and the Heirs, Executors, Administrators and Assigns of any deceased Assignee, to account for and deliver up all such Estate and Effects as shall remain in his her or their hands, to be applied for the purposes of this Act; and the decision of the said Court thereupon shall be final and conclusive.

In case of Death or Incapacity of Assignee, another to be appointed.

And be it further Enacted, That in case any Assignee or Assignees of the Estate and Effects of any Prisoner discharged by virtue of this Act, or the Heirs Executors or Administrators of any deceased Assignee or Assignees, shall not deliver over any part of such Estate or Effects or pay the balance of the produce of any such Estate or Effects found to be in the hands of such deceased Assignee or Assignees, or of such Heirs Executors or Administrators as aforesaid, according to the Order of the said Court, it shall be lawful for the said Court to order the person or persons disobeying such Order to be arrested and committed to the next County Gaol, there to remain, without Bail or Mainprize, until such person or persons shall have obeyed such Order, and paid all such Costs as the said Court shall award to be paid in respect thereof, or until such Court shall make other Order to the contrary.

Assignee, &c. not paying over Balance of Estate in their hands, to be proceeded against.

AND whereas persons are often committed by the Courts of Law and Equity for Contempts in not paying Money ordered or awarded to be paid, and also for not paying of Costs duly and regularly taxed and allowed by the proper Officer, after proper demands made for that purpose, and also upon the Writ de Excommunicato capiendo, or other process for or grounded

Persons committed for Contempt of Courts, in not paying Costs, &c. committed to the benefit of this Act.

on the nonpayment of Money Costs or Expenses, in some Cause or Proceeding in some Ecclesiastical Court, or for Contempt of such Court by nonpayment of Money Costs or Expenses; BE it further Enacted, That all such persons so committed shall be entitled to the benefit of this Act, on and subject to the same terms conditions and restrictions as are herein expressed and declared with respect to Prisoners for Debt only. 66

Affirmation of a Quaker to be taken instead of an Oath.

And be it further Enacted, That in all cases wherein by this Act an Oath is required, the solemn Affirmation of any person being a Quaker shall and may be accepted and taken in lieu thereof; and every person making such Affirmation, who shall be convicted of wilful false Affirmation, shall incur and suffer such and the same Penalties as are inflicted and imposed upon persons convicted of

Persons taking the benefit of any Insolvent Act within Years, not entitled to Relief.

Provided always, and be it further Enacted, That no person who shall have taken the benefit of any Act heretofore passed for the Relief of Insolvent Debtors, shall have the benefit of this Act, or be deemed to be within the intent and meaning thereof, so as to be discharged under the same, until the expiration of the Term of Years from the time of such former Discharge, any thing heretofore contained to the contrary thereof notwithstanding; unless from special circumstances the said Court should be of opinion that it would be just and reasonable that such Prisoner should be again discharged by virtue of this Act. 67

Crown Debts, or prison committed for offences against the Revenue, not entitled to the benefit of this Act.

Provided always, and be it further Enacted, That this Act shall not extend or be construed to extend to discharge any Prisoner seeking the benefit of this Act, with respect to any Debt or Penalty with which he or she shall stand charged at the Suit of the Crown, or of any person for any Offence committed against any Act or Acts of Parliament relative to His Majesty's Revenues of Customs, Excise or Stamp Duties, or any of them, or any Branches of the said public Revenue, or at the Suit of any Sheriff or other public Officer, upon any Bail Bond entered into for the appearance of any person prosecuted for any Offence committed against any Act or Acts of Parliament relative to His Majesty's said Revenues of Customs, Excise or Stamp Duties, or any other Branches of public Revenue, unless of the Commissioners for executing the Office of Lord High Treasurer in Ireland for the time being shall certify under their hands their consent to the Discharge of such Prisoner upon the terms and conditions prescribed by this Act. 68

Prisoner discharged, not entitled to the like benefit within Years, unless Debt be once more incurred, &c.

Provided always, and be it further Enacted, That no person who shall have been at any time discharged by virtue of this Act, shall again be entitled to the benefit thereof within the space of Years after such Discharge, unless in number and value of the Creditors against whom such person shall seek to be so discharged a second time by virtue of this Act, shall signify his her or their assent to such Discharge, or it shall be made appear, to the satisfaction of the Court to whom such person shall apply for his discharge, that such person has since his or her former Discharge endeavoured by industry and frugality to pay all just Demands upon him or her, and has incurred no unnecessary expense, and that the Debts

- 69 Debts which such person has incurred subsequent to such former Discharge have been necessarily incurred for the maintenance of such person or his or her Family, or that the Insolvency of such person has arisen from Misfortune, or from inability to acquire Subsistence for himself or herself or his or her Family, or from Debts incurred prior to such former Discharge to which such Discharge did not extend, or from Debts incurred subsequent to such Discharge in consequence of engagements entered into or acts done prior to such Discharge.

Provided always, and be it further Enacted, That no person, not being a natural-born Subject of His Majesty His Heirs or Successors, shall have the benefit of this Act, except under such circumstances, and on such Terms and Conditions as to the Court to which such person shall apply to be discharged pursuant to this Act, shall seem fit and reasonable; any thing in this Act contained to the contrary notwithstanding.

All not to
be
admitted
to
Prisoners,
except in cer-
tain cases.

Provided always, and be it further Enacted, That if any Objection shall be made to the Discharge of any Prisoner, on the ground of any misconduct of any such Prisoner, and it shall appear to the said Court that such Prisoner might not have been aware of such objection, so as to be able to answer the same, such Court shall allow such Prisoner sufficient time to answer such objection; and shall also, if necessary, require such objection to be stated in writing to such Prisoner, so that such Prisoner may be fully apprized thereof.

Time to be
allowed to
answer Ob-
jection to the
discharge of
Prisoners.

- 70 Provided also, and be it further Enacted, That in case it shall appear to the satisfaction of the said Court, that any misconduct which shall be attributed to any Prisoner to prevent his or her Discharge, although strictly within the intent and meaning of this Act, was nevertheless attended with such circumstances, or the injury thereby done was to so small an amount, that it may not be fit that such Prisoner should on that account be deprived of the benefit of this Act, it shall be lawful for the said Court to discharge such Prisoner, notwithstanding any objection founded on such misconduct, either in the same manner as if such objection had not been made, or on such further terms and conditions as to the said Court shall appear reasonable, in consequence of such misconduct: Provided also, That in case it shall appear to the satisfaction of the said Court, that any Debt contracted by any Prisoner seeking to be discharged by virtue of this Act, was contracted under any fraudulent circumstances not specially provided for by this Act, it shall be lawful for the said Court to except such Debt from the Discharge to be granted to such Prisoner, either absolutely, or upon such terms and conditions as to the said Court shall appear to be proper; and if such
- 71 Prisoner shall be in actual custody for such Debt, it shall be lawful for the said Court to remand such Prisoner, according to the determination of the said Court upon such Debt.

Court empowered to dis-
charge, not-
withstanding
objection on
the ground of
misconduct.

Debt con-
tracted fraud-
ulently not to
be discharged.

And be it further Enacted, That all Assizes and other Courts which shall have the same Title and Jurisdiction, and within the same limits respectively, shall, as to all the purposes of this Act, be deemed and taken to be the

All Courts
with the same
Title, deemed
the same
Courts.

same Courts respectively, although sitting under different Commissions or Warrants respectively.

Proceedings to
be taken in
Case of Pro-
ceedings of un-
sound Mind.

And be it further Enacted, That if any person who shall at any time be a Prisoner in any such Prison in Ireland as aforesaid, upon any such Process as aforesaid, shall be or become of unsound mind, and therefore incapable of taking the benefit of this Act in such manner as he or she might have done if of sound mind, the Gaoler or Keeper of such Prison shall forthwith require one or more Justice or Justices of the Peace within whose jurisdiction such Prisoner shall be, to attend at the said Prison, and enquire into the state of mind of such Prisoner; and thereupon, and also in case any such Justice or Justices shall receive information by any other means, that any such Prisoner is of unsound mind as aforesaid, such Justice 72 or Justices shall go to the said Prison, and by his or their own view, and by examination on Oath of such person or persons as he or they shall think fit to examine, shall enquire into the state of mind of such Prisoner; and if it shall appear to such Justice or Justices upon such enquiry, that such Prisoner is of unsound mind, and therefore incapable of taking the benefit of this Act in such manner as a person of sound mind might do, such Justice or Justices shall forthwith make a record of the fact, and certify the same to the Court to which such Prisoner might, if of sound mind, present his petition to be discharged by virtue of this Act; and thereupon it shall be lawful for such Court, at the instance of any person or persons on behalf of such Prisoner, to order Notice to be inserted in the *Dublin Gazette*, and in one or more public Newspapers usually circulated in the neighbourhood of such Prison, and in the neighbourhood of the usual residence of such Prisoner, before he or she was committed to such Prison, as the said Court shall see fit, and shall in such Order specify and direct that application will be made to such Court, or to the Court of Assize in manner hereinbefore 73 mentioned, for the discharge of such Prisoner, on a day to be specified in such Order, being days at the least from the day of publication of such one of such Gazette and Newspapers containing such Notice as shall be last published; which Notice, together with service of the like Notice on the Creditor and Creditors at whose suit such Prisoner shall be detained in custody, or his her or their Attorney or Attornies in such suit, shall be deemed sufficient to authorize the said Courts respectively to proceed to the discharge of such Prisoner, if otherwise entitled to such discharge, according to the true intent and meaning of this Act; and such Court respectively shall proceed accordingly, and shall discharge such Prisoner, in case it shall appear that such Prisoner might have obtained his or her discharge under this Act, if of sound mind; and thereupon such Courts respectively shall direct a Conveyance and Assignment to be made of the Estate and Effects of such Prisoner, and engagement for the payment of his or her Debts, according to the Provisions of this Act, to be executed by the Clerk of the said Courts respectively, in the name and on the behalf of such Prisoner; which Conveyance Assignment and Engagement shall be made accordingly, unless 74 such Prisoner shall have been found a Person of unsound mind by inquisition taken under a Commission in the nature of a *Writ de Lunaticis inquirendo*, in which case such Conveyance Assignment and Engagement shall be executed

by

by the Committee or Committees of such Lunatic, in such manner as shall be directed by the Lord Chancellor, Lord Keeper or Lords Commissioners for the custody of the Great Seal of Ireland, or such person or persons as shall be authorized by the Royal Sign Manual to provide for the care and custody of the persons and estates of persons found lunatic by inquisition; and such Conveyance Assignment and Engagement so made, shall be sufficient to all intents and purposes to vest the property of such Prisoner in the person or persons to whom the same shall be directed by the said Court to be conveyed and assigned, and shall bind such Prisoner, his or her Heirs, Executors and Administrators, as fully and effectually as if such Conveyance Assignment and Engagement respectively had been duly executed by such Prisoner.

And be it further Enacted, That this Act shall continue in force until the Continuance of Act.
in the year
and thenceforth until the end of the then next Session of Parliament, and no longer.

And be it further Enacted, That this Act may be amended altered or Act may be amended and repealed.
repealed by any Act or Acts to be made in this present Session of Parliament.

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Sess. 1812-13.

(Ireland)

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B I L L

For the Relief of Insolvent Debtors,
in Ireland.

Introduced by The House of Commons, on the 21st May 1813.

185.